IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 15179 of 2007(S)

PETITIONER:

N. BALACHANDRAN, S/O.V.K.BHARGAVI AMMA,
VAZHAKULATH (H), NEDUMBASSERY P.O.,
ERNAKULAM DISTRICT, PIN-683 585.

BY ADV. SRI.RAJESH THOMAS
SRI.JIJO JOSEPH
SRI.K.P.SHAHUL HAMEED

RESPONDENTS:

1. STATE OF KERALA, REP. BY
CHEIF SECRETARY TO GOVERNMENT, GOVERNMENT
OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

2. INFRASTRUCTURE KERALA LIMITED,
T.C.NO.11/266, K.S.I.D.C. BUILDING,
KESTON ROAD, KOWDIAR P.O., THIRUVANANTHAPURAM DIST
PIN-695 003, REPRESENTED BY ITS
MANAGING DIRECTOR.

3. SRI.P.H.KURIAN, DIRECTOR,
INFRASTRUCTURES KESRALA LTD.,
S/O.P.M.HABEL, PULLUKOTTAYIL, T.K.D.ROAD,
MUTTADA POST, TRIVANDRUM-695 025.

4. REGISTRAR OF COMPANIES, KERALA, KOCHI.

SENIOR GOVERNMENT PLEADER SMT. MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P.(C). NO. 15179 OF 2007

Dated this the 6th June, 2007

JUDGMENT

H.L.DATTU, C.J.

Petitioner calls himself a public spirited citizen. He is before this Court for the following reliefs. They are as under:

> "(i) issue a Writ of Mandamus or any other appropriate writ, order or direction to the 1st respondent calling for a statement as to whether the 2nd respondent company is Government company or not and to furnish entire records leading to the formation of the 2nd respondent Company including the details of the source of subscription amount of Rs.5 lakhs and the source of payment of the registration fee of more than 52 lakhs on 5.3.2007 through a Challan drawn on Punjab National Bank and to state whether the registration charges and subscription amount are paid from the state exchequer and if so what is the consideration for the State Government for the payment of such a huge amount as registration charges and to state whether the government is subscriber to the company.
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> (ii) to direct an appropriate enquiry through an independent externaol agency regarding the source of the registration charges more than 52 lakhs and subscription amount of Rs.5 lakhs paid for the formation of the 2nd respondent Company so as to bring out the truth behind the shady formation of such a company.
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> (iii) to issue a writ of mandamus or any other appropriate writ, order or direction directing the 4th respondent Registrar of Companies to produce before court the entire files relating to the registration of the Infrastructures Kerala Ltd., including the Challan receipt for payment of subscription amount and registration fees.

(iv) to declare that the canvassing for investments by the State Industry Minister and the directors or subscribers of the 2nd respondent company before obtaining the certificate of commencement of business from the 5th respondent is illegal and to stay all further proceedings if the registration fees and subscription amount is not paid from the state exchequer.

(v) to declare that the Government servants are not entitled to become the subscribers of the 2nd respondent Company in their personal capacity.

(vi) to direct the 1st respondent to ensure that the 2nd respondent Company will allot shares to the public in a transparent manner with proper guidelines and to ensure that the shares of the Company will not be cornered by interested parties so as to do real estate business in the name of a government Company said to have been formed for public purpose and that to further ensure that The Land Acquisition Act will not invoked to create the so called `land bank' and that the states natural resources will not be allowed to be grabbed by the private parties in the guise of creation of land bank for state industrial development."

2. After carefully going through the averments made in the writ petition and also the prayers sought for, we are of the firm opinion that the petition so filed does not have the characteristics of a public interest litigation. The expression `public interest litigation' has been explained by the apex Court in number of decisions and in fact, the apex Court has explained that if the court comes to the conclusion that there is no public interest in any of the petitions, the same has to be thrown out.

3. As we have already stated that the issues raised in this writ petition in no way can be considered as in the interest of the public at large. Therefore, the prayers sought for by the petitioner in this petition cannot be granted by us.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/